

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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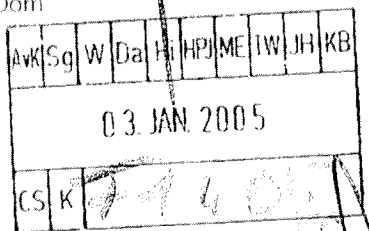
## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To:

HILLERINGMANN, Jochen  
Deichmannhaus am Dom  
P O Box 10 22 41  
D-50642 Cologne  
ALLEMAGNE



Date of mailing  
(day/month/year)

28.12.2004

Applicant's or agent's file reference  
031904woHigo

### IMPORTANT NOTIFICATION

International application No  
PCT/EP 03/10839

International filing date (day/month/year)  
30.09.2003

Priority date (day/month/year)  
01.10.2002

Applicant

GENERAL ELECTRIC COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel: +31 70 340 - 2040 Ex: 31 651 epo.nl  
Fax: +31 70 340 - 3016

Authorized Officer

Ter Haar, H


Tel: +31 70 340-3817



# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 031904woHigo		<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No PCT/EP 03/10839		International filing date (day/month/year) 30.09.2003	Priority date (day/month/year) 01.10.2002	
International Patent Classification (IPC) or both national classification and IPC F03D11/04				
Applicant GENERAL ELECTRIC COMPANY				
<p>1 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36</p> <p>2 This REPORT consists of a total of 5 sheets, including this cover sheet</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT)</p> <p>These annexes consist of a total of sheets.</p> <p>3 This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>				
Date of submission of the demand 27.04.2004		Date of completion of this report 28.12.2004		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel: +31 70 340 - 2040 1x: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer O'Shea, G Telephone No: +31 70 340 4424		



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No

PCT/EP 03/10839

**1. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-9 as originally filed

**Claims, Numbers**

1-9 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos :  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70 2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report )*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. As currently formulated, the claims are directed to a method of erecting a wind turbine tower rather to a modular kit for a wind turbine tower *per se*. The phrase whereby the length of the first cylindrical tower segment "can be adapted to the necessary height of the tower" implies a method step of selection of components according to the circumstances associated with the particular wind turbine tower to be erected. With this in mind, claim 1 has therefore been interpreted as:

A method of erecting a tower for a wind turbine using a modular kit, the tower having a height ranging between a minimum height and a maximum height, the method comprising the steps of:

- providing a first conical tower segment comprising a steel tube having a predetermined length,
  - providing a second conical tower segment comprising a steel tube having a predetermined length,
  - providing a first cylindrical tower segment comprising a steel tube having a length between a predetermined minimum length and a predetermined maximum length,
  - selecting the length of the first cylindrical tower segment, in accordance with the necessary height of the tower, between a minimum tower height and a maximum tower height, the minimum height of the tower being the sum of the predetermined lengths of the first and second conical tower segments and the minimum length of the first cylindrical tower segment, and the maximum height being the sum of the predetermined lengths of the first and second conical tower segments and the maximum length of the first cylindrical tower segment.
2. From the independent claim it is not clear to the reader under what circumstances and according to which criteria the length of the first cylindrical tower segment would be selected. Furthermore it is not clear what steps would be taken in such a selection process. However, upon evaluation of the present application with respect to the available prior art and in as far as the claims can be understood with the interpretation outlined in section 1 above, the subject-matter of claims 1-9 would seem to satisfy the criteria of novelty, inventive step and industrial

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/EP 03/10839

applicability as required by Article 33 PCT.

In the best available prior art, it is neither explicitly stated nor inferable therefrom, a method of erecting a wind turbine tower wherein the step of providing a first cylindrical tower segment whose length is selected from a range (in accordance with the circumstances associated with the wind turbine tower to be erected) is in combination with the steps of the provision of the conical segments.